

IC 31-16-16

Chapter 16. Enforceable Judgment Against a Person Delinquent in Payment of Child Support

IC 31-16-16-1

Supplemental remedies

Sec. 1. This chapter supplements other remedies available for the enforcement of a support order.

As added by P.L.1-1997, SEC.8.

IC 31-16-16-2

Delinquent payment as judgment against obligor

Sec. 2. A payment that is:

- (1) required under a support order; and
- (2) delinquent;

shall be treated as a judgment against the obligor for the delinquent amount.

As added by P.L.1-1997, SEC.8.

IC 31-16-16-3

Judgment as lien; priority; perfection

Sec. 3. (a) A lien is created against the real and personal property of the obligor in the amount of a judgment described in section 2 of this chapter.

(b) A person holding a lien created by a judgment described in section 2 of this chapter:

- (1) has the priority of an unperfected secured creditor in any enforcement proceeding instituted against the property; and
- (2) may perfect the lien in the same manner as liens arising from other civil judgments are perfected.

As added by P.L.1-1997, SEC.8. Amended by P.L.3-2008, SEC.233.

IC 31-16-16-4

Mode of enforcement; disputed amount

Sec. 4. (a) An obligee may enforce a judgment created under section 2 of this chapter (or IC 31-2-11-8 before its repeal) in the same manner as other civil judgments are enforced.

(b) If in a proceeding to enforce a judgment created under section 2 of this chapter (or IC 31-2-11-8 before its repeal) an obligor or an income payor disputes the amount that constitutes a judgment, the court with jurisdiction over the enforcement proceeding may conduct a hearing to determine the amount of delinquent support that is a judgment.

As added by P.L.1-1997, SEC.8. Amended by P.L.3-2008, SEC.234.

IC 31-16-16-5

Recognition and enforcement of judgments

Sec. 5. The courts shall recognize and enforce:

- (1) judgments created under section 2 of this chapter (or IC 31-2-11-8 before its repeal); and

(2) judgments for delinquent support payments that are created under the laws of another state.

As added by P.L.1-1997, SEC.8. Amended by P.L.3-2008, SEC.235.

IC 31-16-16-6

Modification of obligor's duty to pay

Sec. 6. (a) Except as provided in:

(1) subsection (b); or

(2) IC 31-14-19-1;

a court may not retroactively modify an obligor's duty to pay a delinquent support payment.

(b) A court with jurisdiction over a support order may modify an obligor's duty to pay a support payment that becomes due:

(1) after notice of the petition to modify the support order has been given either directly or through the appropriate agent to:

(A) the obligee; or

(B) if the obligee is the petitioner, the obligor; and

(2) before a final order concerning the petition for modification is entered.

As added by P.L.1-1997, SEC.8.